IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1187 OF 2007

Tauhid Wahid Motiwala ..Petitioner

versus

State of Maharashtra & Anr. ..Respondents

Shri Amin Solkar for the Petitioner.

Mrs. A. S. Pai, APP for the Respondents - State.

CORAM : R.M.S. KHANDEPARKAR &
SMT. V.K. TAHILRAMANI, JJ.

DATE : 12TH JULY, 2007.

P.C.

1. Heard.

2. It is the grievance of the petitioner that the Police Authorities are harassing the petitioner to shell out a sum of Rs.2 lacs, which has been allegedly deposited with him by one Najma who has been arrested pursuant to C.R. No. 264 of 2007 being registered at Bandra Police Station. The learned APP has stated that the police had merely called the petitioner for a necessary investigation and it was enquired with him about the said amount

as the accused Najma had stated that she had deposited the said amount with the petitioner. It was further disclosed that further sum of Rs.50,000/- was deposited with some other person and the amount was accordingly recovered from the said person. Being so, according to the learned APP there was no demand as such by the police with the petitioner to shell out an amount of Rs.2 lacs, but it was in the course of investigation that it was enquired with the petitioner whether the petitioner has received the amount of Rs.2 lacs as stated by Najma, in that case to deliver the same to the investigating agency. The statement of the petitioner has been recorded to the effect that he had not received the said amount. The learned APP has further stated that the investigation is in progress and further that there is no insistence on the part of the Police Authorities to the petitioner to deliver the amount of Rs.2 lacs as such. The investigation is merely in relation to the amount which was collected by Najma pursuant to the sale of the stolen property. Being so, we do not find any case being made for interference at this stage. Suffice it to observe that the Police cannot insist for production of Rs.2 lacs in case no such amount

was deposited by Najma with the petitioner, the petition is disposed of.

3. The learned APP states that the submissions have been made on the basis of the instructions received from Smt. M. S. Nalawade, PSI, Investigating Officer in C.R. No. 264 of 2007, Bandra Police Station.

(R.M.S. KHANDEPARKAR, J.)

(SMT. V.K. TAHILRAMANI, J.)